IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL WRIT PETITION NO. 5804/1998

MISS KANCHAN LATA Vs. UNION OF INDIA & ORS.

Date: 14.09.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajesh Raj Kumawat for the petitioner.
Mr. S.S. Hasan for the the respondents.

****

Brief facts of the case are that the petitioner was appointed as Assistant Sub-Inspector(M) in December, 1996 vide Annexure-1 and she joined her services on 13.01.97 in GC-I, CRPF, Ajmer. The petitioner also declared successful in type test. It is further submitted that annual grade increment after passing the type test has also been granted to the petitioner vide order dated 07.05.98. and the name of the petitioner was also recommended for cash reward amounting to Rs. 200/- vide order dated 31.08.98.

The case of the respondents is that on receipt of compliant that she secured marks in typing test by using unfair means, she was again called for typing test and re-typing test was conducted by the

respondents and it was found that her typing speed was only 20.5 W.P.M., whereas at the time of recruitment, her typing speed was recorded as 46.8 W.P.M. Thus, considering this fact, the services of the petitioner were terminated vide impugned order dated 25.08.98, against which this writ petition has been preferred by the petitioner.

The petitioner referred clause (v) of the appointment letter Annexure-1, wherein it was clearly mentioned that the petitioner will have to pass the typing test with the minimum prescribed speed (25/30 WPM in Hindi and English) failing which the petitioner will neither be eligible to draw annual increments nor will be entitled to a substantive status in the grade.

Since the petitioner passed the typing test and was also granted annual grade increment, therefore, she acquired substantive status in the grade and the reason for terminating the services of the petitioner is a complaint with regard to using unfair means at the time of undergoing the typing test, which was made much after the selection of the petitioner and the services of the petitioner have been terminated vide impugned order dated 25.08.98 without following the due process

of law.

In the considered view of this Court and of the Hon'ble Supreme Court, the impugned order of punishment of termination dated 25.08.98, looking to the nature of the complaint, is not justified.

Consequently, the writ petition stands allowed and the impugned order dated 25.08.98 is hereby quashed and set-aside with a direction to the respondents to reinstate the petitioner forthwith on the post of ASI (M). However, the petitioner shall not be entitled to receive wages from 25.08.98 to till the date of passing of this order and in case the respondents failed to pass the reinstatement order within a period of three months from the date of passing of this order, the respondents are liable to make the payment of wages along with interest @ 6% p.a.

(K.S. RATHORE),J.

/KKC/